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FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

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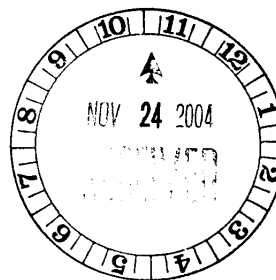
THOMAS J. LITWILER
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November 23, 2004

VIA FEDERAL EXPRESS

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W., Room 700
Washington, DC 20006



Re: **Docket No. AB-281 (Sub-No. 1X)**
Texas North Western Railway Company -- Abandonment
Exemption -- In Moore, Hutchinson and Hansford Counties, TX

Dear Secretary Williams:

Enclosed for filing in the above-captioned proceeding are an original and ten copies of the **Verified Notice of Exemption of Texas North Western Railway Company Pursuant to 49 C.F.R. § 1152.50**, dated November 23, 2004. A check in the amount of \$3,000, representing the appropriate fee for this filing, is attached.

One extra copy of the Notice and this letter also are enclosed. Please date-stamp those items to show receipt of this filing and return them to me in the provided envelope.

The original copy of the Environmental/Historic Report accompanying the Notice has been provided directly to the Board's Section of Environmental Analysis. If you have any questions regarding this filing, please feel free to contact me. Thank you for your assistance on this matter.

Respectfully submitted,

Thomas J. Litwiler
Attorney for Texas North Western
Railway Company

TJL:tl

Enclosures

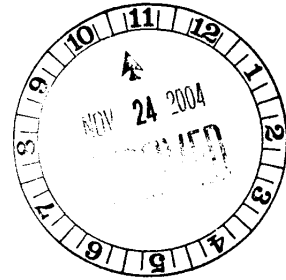
cc: Victoria J. Rutson, SEA

ORIGINAL

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-281 (SUB-NO. 1X)

TEXAS NORTH WESTERN RAILWAY COMPANY
-- ABANDONMENT EXEMPTION --
IN MOORE, HUTCHINSON AND HANSFORD COUNTIES, TX



**VERIFIED NOTICE OF EXEMPTION OF
TEXAS NORTH WESTERN RAILWAY COMPANY
PURSUANT TO 49 C.F.R. § 1152.50**

Thomas J. Litwiler
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832
(312) 252-1500

**ATTORNEYS FOR TEXAS NORTH WESTERN
RAILWAY COMPANY**

Dated: November 23, 2004

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-281 (SUB-NO. 1X)

TEXAS NORTH WESTERN RAILWAY COMPANY
-- ABANDONMENT EXEMPTION --
IN MOORE, HUTCHINSON AND HANSFORD COUNTIES, TX



**VERIFIED NOTICE OF EXEMPTION OF
TEXAS NORTH WESTERN RAILWAY COMPANY
PURSUANT TO 49 C.F.R. § 1150.50**

Texas North Western Railway Company ("TXNW") hereby submits this Verified Notice of Exemption under 49 C.F.R. § 1152.50 for the abandonment of TXNW's line of railroad (the "Capps Spur") extending from milepost 20.0 at Capps, Texas through milepost 29.9 at Morse Junction, Texas to the end of track at milepost 34.0 in Morse, Texas and from milepost 29.9 at Morse Junction to the end of track at milepost 37.8 in Pringle, Texas, a total distance of approximately 21.9 miles in Moore, Hutchinson and Hansford Counties, Texas. A map showing the line to be abandoned is attached hereto as Exhibit A.

In accordance with the requirements of 49 C.F.R. § 1152.50(d)(2), TXNW submits the following information:

General Corporate Information: 49 C.F.R. § 1152.22(a)(1) - (2)

TXNW is a Class III common carrier by rail subject to the jurisdiction of the Surface Transportation Board under the Interstate Commerce Act, Subtitle IV, Chapter 105 of Title 49 of the United States Code. TXNW owns approximately 46 miles of rail line in the northern panhandle of Texas, and commenced operations in 1982 after acquiring several rail lines from the estate of the bankrupt Chicago, Rock Island & Pacific Railroad Company. Texas

North Western Railway Company -- Purchase (Portion) -- Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) in Texas and Oklahoma, Finance Docket No. 29475 (ICC served March 8, 1982).

TXNW is a wholly-owned subsidiary of TNW Corporation, a non-carrier holding company which controls two other Class III rail carriers in Texas and a Class III rail carrier in Nebraska. See TNW Corporation -- Continuance in Control Exemption -- Texas Rock Crusher Railway Company, Finance Docket No. 33564 (STB served March 20, 1998).

The complete name and address of TXNW is:

Texas North Western Railway Company
6647 Road G
Sunray, TX 79086-2015

Relief Sought: 49 C.F.R. § 1152.22(a)(3)

Pursuant to the Board's class exemption for the abandonment of out-of-service rail lines, codified at 49 C.F.R. § 1152.50(b), TXNW seeks to abandon its line of railroad extending: 1) from milepost 20.0 at Capps, Texas through milepost 29.9 at Morse Junction, Texas to the end of track at milepost 34.0 in Morse, Texas, a distance of approximately 14.0 miles; and 2) from a connection with the first segment at milepost 29.9 at Morse Junction to the end of track at milepost 37.8 in Pringle, Texas, a distance of approximately 7.9 miles. The total length of the line to be abandoned is approximately 21.9 miles, in Moore, Hutchinson and Hansford Counties, Texas. No rail freight service has been provided on the Capps Spur since December, 2000.

The Capps Spur forms the eastern end of TXNW's current rail line, the active portion of which extends west from Capps to a connection with The Burlington Northern and Santa Fe Railway Company at Etter Junction, Texas. Additional TXNW lines extending north from the Capps Spur at Morse and south from the Capps Spur at Pringle were abandoned in

1987. Texas North Western Railway Company -- Abandonment and Discontinuance of Service Exemption -- Hansford and Hutchinson Counties, TX, Texas County, OK and Seward County, KS, Docket No. AB-281X (ICC served August 19, 1987). At one time The Atchison, Topeka and Santa Fe Railway Company held overhead trackage rights on TXNW's Etter Junction-Morse line, but those rights were discontinued in 1990. The Atchison, Topeka and Santa Fe Railway Company -- Discontinuance of Trackage Rights Exemption -- In Moore, Hutchinson and Hansford Counties, TX, Docket No. AB-52 (Sub-No. 63X) (ICC served July 16, 1990).

Map: 49 C.F.R. § 1152.22(a)(4)

A map showing the location of the Capps Spur and its relation to other rail lines, highways and geographic features in the area is attached hereto as Exhibit A.

Applicant's Representative: 49 C.F.R. § 1152.22(a)(7)

Any correspondence regarding the proposed abandonment should be sent to TXNW's representative at the following address:

Thomas J. Litwiler
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 920
Chicago, IL 60606-2832
(312) 252-1500

ZIP Codes Traversed: 49 C.F.R. § 1152.22(a)(8)

The Capps Spur traverses United States Postal Service ZIP Codes 79086, 79083 and 79062.

Qualification for Class Exemption: 49 C.F.R. § 1152.50(b)

TXNW certifies that no local traffic has moved over the Capps Spur for at least two years and that any overhead traffic formerly handled on the line can be rerouted over other lines. TXNW further certifies that no formal complaint by a user of rail service on the Capps Spur (or a state or local governmental entity acting on behalf of such user) regarding cessation of service on the line either is pending with the Board or any U.S. District Court or has been decided in favor of such complainant during the last two years. See Certification and Verification of Alfredo Medrano, Jr., attached hereto as Exhibit B.

Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)

TXNW intends to consummate abandonment of the Capps Spur on or shortly after January 13, 2005.

Suitability for Other Public Purposes: 49 C.F.R. § 1152.22(e)(4)

TXNW is not aware of other public uses for which the right-of-way of the Capps Spur would be suitable or desired. The Capps Spur is located in a flat and relatively sparsely-populated area of northern Texas utilized primarily for farming and agricultural purposes. TXNW is not presently aware of restrictions on its title to the right-of-way that would affect the transfer or use of the property for other, non-rail purposes.

Notice Requirement: 49 C.F.R. §§ 1152.50(d)(2), 1105.11

A certificate that the agencies designated in 49 C.F.R. § 1152.50(d)(1) have been served with written prefiling notice of the proposed abandonment is attached hereto as Exhibit C. A certificate that the Environmental/Historic Report accompanying this Notice as Exhibit D has

been served on the agencies designated in 49 C.F.R. § 1105.7(b) is attached as Appendix T to that Report.

Labor Protection: 49 C.F.R. § 1152.50(d)(2)

The appropriate level of labor protection for the transaction proposed herein is that set forth in Oregon Short Line R. Co. -- Abandonment -- Goshen, 360 I.C.C. 91 (1979). No TXNW employees will be adversely affected by the proposed abandonment.

Environmental and Historic Preservation Data: 49 C.F.R. § 1105

An Environmental/Historic Report prepared in compliance with the requirements and specifications of 49 C.F.R. § 1105 is attached hereto as Exhibit D. That report concludes that the proposed abandonment, if implemented, will not significantly affect either the quality of the human environment or the conservation of energy resources.

Respectfully submitted,

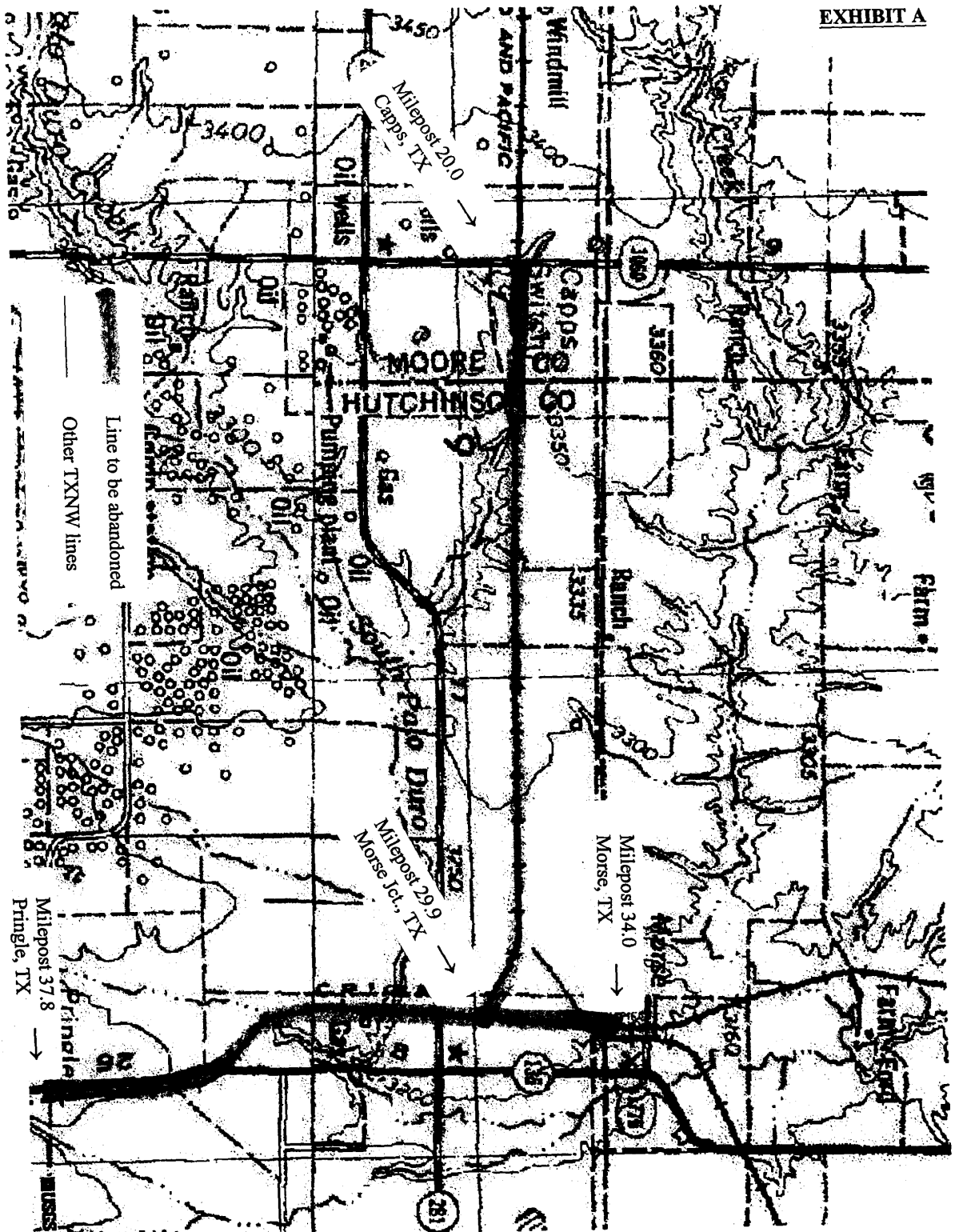
By: 

Thomas J. Litwiler
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832
(312) 252-1500

**ATTORNEYS FOR TEXAS NORTH WESTERN
RAILWAY COMPANY**

Dated: November 23, 2004

EXHIBIT A



CERTIFICATION AND VERIFICATION

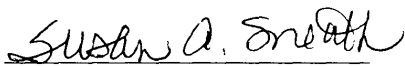
State of Texas)
) ss:
County of Moore)

Alfredo Medrano, Jr., being duly sworn, deposes and says that he is General Manager of Texas North Western Railway Company and that:

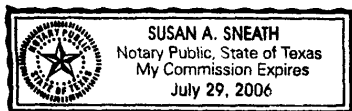
- 1) No local traffic has moved over TXNW's rail line from milepost 20.0 at Capps through milepost 29.9 at Morse Junction to the end of track at milepost 34.0 at Morse and from milepost 29.9 at Morse Junction to milepost 37.8 at Pringle in Moore, Hutchinson and Hansford Counties, Texas for at least two years; any overhead traffic formerly handled on the line can be rerouted over other lines; and no formal complaint filed by a user of rail service on the line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or any U.S. District Court or has been decided in favor of such complainant during the last two years; and
- 2) He has read the foregoing Notice of Exemption and knows the facts asserted therein, and the same are true as stated.


Alfredo Medrano, Jr.

SUBSCRIBED AND SWORN TO
before me this 12 day
of November, 2004.


Notary Public

My Commission expires:



CERTIFICATE OF NOTIFICATION


I hereby certify that on November 5, 2004, written notice in the form attached hereto and containing the information specified in 49 C.F.R. § 1152.50(d)(1) was served by first class mail, postage prepaid, upon the following agencies designated in that subsection:

Mr. Ronald L. Kitchens
Executive Director
Railroad Commission of Texas
P.O. Box 12967
Austin, TX 78711-2967

Military Surface Deployment & Distribution Command
Transportation Engineering Agency
Railroads for National Defense Program
720 Thimble Shoals Boulevard, Suite 130
Newport News, VA 23606-2574

National Park Service
Recreation Resources Assistance Division
1849 C Street, N.W.
Washington, DC 20240

Mr. Dale Bosworth
Chief of the Forest Service
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, DC 20250-0003



Thomas J. Litwiler

COPY

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2875

November 5, 2004

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

Mr. Ronald L. Kitchens
Executive Director
Railroad Commission of Texas
P.O. Box 12967
Austin, TX 78711-2967

Re: **Docket No. AB-281 (Sub-No. 1X)**
Texas North Western Railway Company -- Abandonment
Exemption -- In Moore, Hutchinson and Hansford Counties, TX

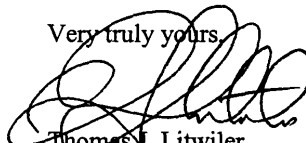
Dear Mr. Kitchens:

On or about November 16, 2004, Texas North Western Railway Company ("TXNW") expects to file with the Surface Transportation Board a notice of exemption for the abandonment of TXNW's line of railroad, referred to herein as the Capps Spur, extending from milepost 20.0 at Capps, Texas through milepost 29.9 at Morse Junction, Texas to the end of track at milepost 34.0 at Morse, Texas and from milepost 29.9 at Morse Junction to milepost 37.8 at Pringle, Texas, a total distance of approximately 21.9 miles in Moore, Hutchinson and Hansford Counties, Texas. The line traverses United States Postal Service ZIP Codes 79086, 79083 and 79062. TXNW's notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved for at least the previous two years. After abandonment, rail and other track materials will be removed from the line, while ballast, ties and roadbed will remain in place and not be disturbed.

We are notifying you of the proposed abandonment in accordance with the requirements of 49 C.F.R. § 1152.50(d)(1). As also required by that regulation, TXNW states that, based on information in its possession, the Capps Spur does not contain federally granted rights-of-way. Any relevant documentation on this subject in FCEN's possession will be made available promptly to those requesting it.

Should you have any questions or need additional information regarding this proposed abandonment, please feel free to contact me at 312-252-1508. Kind regards.

Very truly yours,



Thomas V. Litwiler
Attorney for Texas North Western
Railway Company

TJL:tl

BEFORE THE
SURFACE TRANSPORTATION BOARD

COPY

DOCKET NO. AB-281 (SUB-NO. 1X)

TEXAS NORTH WESTERN RAILWAY COMPANY
-- ABANDONMENT EXEMPTION --
IN MOORE, HUTCHINSON AND HANSFORD COUNTIES, TX

ENVIRONMENTAL/HISTORIC REPORT

Texas North Western Railway Company ("TXNW") submits this Environmental/Historic Report in compliance with the reporting requirements of 49 C.F.R. §§ 1105.7 and 1105.8. Supporting correspondence is attached.¹ It is the conclusion of this Report that the proposed abandonment, if implemented, will not significantly affect either the quality of the human environment or the conservation of energy resources.

ENVIRONMENTAL REPORT - 49 C.F.R. § 1105.7(e)

1. Proposed Action and Alternatives. TXNW seeks to abandon a line of railroad, referred to herein as the "Capps Spur," extending from milepost 20.0 at Capps, Texas through milepost 29.9 at Morse Junction, Texas to the end of track at milepost 34.0 in Morse, Texas and from milepost 29.9 at Morse Junction to the end of track at milepost 37.8 in Pringle, Texas, a total distance of approximately 21.9 miles in Moore, Hutchinson and Hansford Counties, Texas. The line is located in the rural "panhandle" area of north Texas, and connects with another TXNW line at Capps.

¹ This Report has been updated to reflect additional correspondence received since service of the Report pursuant to 49 C.F.R. § 1105.7(b).

No freight traffic of any kind has been handled on the Capps Spur for nearly four years. Previously the line was utilized principally for the transportation of agricultural commodities. Following abandonment, TXNW will salvage rail and track materials from the line. The bridges, railbed and subgrade of the Capps Spur will remain in place and not be disturbed.

No alternatives to the proposed abandonment have been considered. The only alternative is retention of the Capps Spur in its current, unused state, which would have no environmental impact.

A map showing the location of the Capps Spur is attached hereto as Appendix A.

2. Transportation System. TXNW does not anticipate that existing regional or local transportation systems or patterns will be adversely affected by the proposed abandonment. No freight traffic has moved over the Capps Spur for several years, and thus no rail traffic will be diverted to other modes as a result of abandonment. TXNW did not handle overhead traffic movements on the stub-ended Capps Spur, and no passenger trains are operated over the line. Alternative rail service will continue to be available from TXNW at Capps.

Abandonment of the Capps Spur will allow permanent closure of a total of fifteen rail/roadway grade crossings (six crossings with standard crossbucks and nine dirt farm crossings). TXNW has contacted and requested comments from the Texas Department of Transportation. See correspondence attached hereto as Appendix B.

3. Land Use.

(i) TXNW does not foresee any inconsistency with regional and/or local land use plans, but has contacted and requested comments from Moore, Hutchinson and Hansford Counties, Texas, through which the Capps Spur passes. See

correspondence attached hereto as Appendices C, D and E. TXNW also requested comments from the Panhandle Regional Planning Commission in Amarillo, which has indicated that the proposed abandonment will not have adverse environmental effects on the region. See correspondence attached hereto as Appendices F and F-1

(ii) The proposed abandonment of the Capps Spur will not adversely affect any prime agricultural land. The Natural Resources Conservation Service of the United States Department of Agriculture has indicated that it has no objection to or comments on the proposed abandonment. See correspondence attached hereto as Appendices G and G-1.

(iii) The Capps Spur is not located in a Coastal Zone Management Area. TXNW has requested comments from the Texas General Land Office, which is responsible for implementation of the Texas Coastal Management Program. See correspondence attached hereto as Appendix H.

(iv) TXNW does not believe that the right-of-way of the Capps Spur is suitable or desired for alternative public use under 49 U.S.C. § 10905.

4. Energy.

(i) The proposed abandonment will not have any effect on the transportation of energy resources. No freight traffic has moved on the Capps Spur since 2000, and TXNW foresees little or no possibility that new on-line traffic will develop in the future.

(ii) The movement and/or recovery of recyclable commodities will not be adversely affected by this abandonment. No recyclable commodities have moved over

the Capps Spur for at least four years, and TXNW foresees little possibility that any on-line recyclable commodity traffic would develop in the future.

(iii) Abandonment will not result in an increase or decrease in overall energy efficiency. No freight traffic has moved on the Capps Spur for the past several years.

(iv) Not applicable. Abandonment of the Capps Spur will not cause the diversion of more than 1,000 rail carloads per year or an average of 50 rail carloads per mile per year to motor carriers.

5. Air.

(i) Not applicable. Abandonment will not result in (A) a minimum increase in rail traffic of 100% or eight trains per day on any segment of rail line, (B) an increase in rail yard activity of at least 100%, or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles per day on any road segment.

(ii) Not applicable. Moore, Hutchinson and Hansford Counties are not class I or nonattainment areas under the Clean Air Act. In any event, abandonment of the Capps Spur will not result in traffic increases which exceed the thresholds specified in 49 C.F.R. § 1105.7(e)(5)(ii)(A), (B) or (C).

(iii) Not applicable. No ozone depleting materials have been transported over the Capps Spur for at least four years, and no such shipments will be diverted as a result of this abandonment.

TXNW has contacted and requested comments from the Texas Commission on Environmental Quality and the U.S. Environmental Protection Agency. See correspondence attached hereto as Appendices I and J.

6. Noise. Not applicable. As indicated above, none of the thresholds identified in 49 C.F.R. § 1105.7(e)(5)(i) will be exceeded as a result of the abandonment.

7. Safety.

(i) The proposed action will have no adverse effect upon public health or safety. Abandonment of the Capps Spur will allow a total of fifteen rail/road grade crossings to be eliminated. During any salvage operations on the Capps Spur, precautions will be taken to ensure public safety.

(ii) Not applicable. No hazardous materials have been transported on the Capps Spur for at least four years, and no such shipments will be diverted as a result of abandonment. Accordingly, the proposed abandonment will have no effect on the transportation of hazardous materials.

(iii) There are no known hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way of the Capps Spur.

8. Biological Resources.

(i) The Capps Spur is located in a flat, arid and rural section of northern Texas utilized principally for agricultural production. Much of the area around the Capps Spur is cultivated for farming purposes, and there is virtually no forestation. Salvage operations will be handled using existing access routes. TXNW thus does not believe that any critical habitat will be destroyed, altered or affected as a result of the proposed abandonment, or that any endangered or threatened species are present in the area or would be adversely affected. TXNW has requested comments from the Texas Commission on Environmental Quality, the Texas Parks & Wildlife Department and the U.S. Fish & Wildlife Service. See correspondence attached as Appendices I, K and L.

(ii) The Capps Spur does not pass through or adjacent to any wildlife sanctuaries or refuges or any national or state parks or forests and, accordingly, none will be adversely affected. The National Park Service has indicated that it has no comments on the proposed abandonment. See correspondence attached as Appendices M and M-1. TXNW also contacted and requested comments from the Texas Parks & Wildlife Department, as set forth in Appendix K.

9. Water. Any water quality effects of the proposed abandonment should be minimal, as the Capps Spur does not cross any significant bodies of water. Abandonment and salvage of the Capps Spur will not involve discharge of any materials into navigable waters that would require permits under Sections 402 and 404 of the Clean Water Act. To TXNW's knowledge, there are no wetlands located in or along the right-of-way of the Capps Spur, and TXNW is unaware of any 100-year flood plains that would be affected by abandonment.

Information on the proposed abandonment has been provided to the Texas Commission on Environmental Quality, the U.S. Environmental Protection Agency, the U.S. Fish & Wildlife Service and the United States Army Corps of Engineers. See correspondence attached as Appendices I, J, L and N. The Army Corps of Engineers has confirmed that no permits under the Clean Water Act are required in connection with the abandonment, and otherwise indicated no objection to the proposed action. See correspondence attached as Appendix N-1.

* * * * *

In addition to the agencies referenced above, TXNW also has contacted and requested comments from the Governor's Office of Budget and Planning (functioning as the state single point of contact) and the National Geodetic Survey. See correspondence attached as Appendices O and P. The National Geodetic Survey has identified sixteen geodetic station

markers potentially in the vicinity of the Capps Spur. See correspondence attached as Appendix P-1. TXNW does not foresee disturbance of any of these markers in connection with the proposed abandonment, and will provide appropriate notification to NGS should any relocation become necessary.

HISTORIC REPORT - 49 C.F.R. § 1105.8(d)

1. Map. A map of the Capps Spur is attached hereto as Appendix A.

2. Description of Line. The line to be abandoned begins at milepost 20.0 at Capps, Texas, where it connects with TXNW's line extending west to Sherrin and Etter, Texas and an interchange with The Burlington Northern and Santa Fe Railway Company. From Capps, the Capps Spur extends due easterly approximately ten miles to milepost 29.9 at Morse Junction, Texas, and then curves north an additional four miles to the end of track at milepost 34.0 in Morse, Texas. At Morse Junction another track diverges southward and extends approximately eight miles to the end of track at milepost 37.8 in Pringle, Texas. The area around the Capps Spur is flat, arid and rural, with agricultural and farming land use prevailing. The width of the right-of-way is generally 100 feet.

3. Photographs. There are nine bridges on the Capps Spur, all of simple timber trestle design, which TXNW believes are fifty years old or older. Attached as Appendix Q are photostatic copies of recent photographs of those bridges.² Original copies of the photographs were provided to the Texas Historical Commission, acting as the state historic preservation office ("SHPO"), and color copies are being provided to the Board's Section of

² Appendix Q does not include a photograph of Bridge 22.2, a short structure that was not accessible for photography purposes. That bridge is substantially identical to others on the Capps Spur in composition, style and design.

Environmental Analysis. There are no other railroads structures on the Capps Spur which TXNW believes are fifty years old or older.

4. Information on Structures. The milepost location, description and length of the bridges on the Capps Spur are set forth in the attached chart designated as Appendix R. TXNW does not have information on the actual dates of construction of these structures. TXNW has no plans to remove or otherwise alter these structures as a result of this abandonment.

5. History of Operations. The Capps Spur was originally a component of the Chicago, Rock Island & Gulf Railroad Company, a Texas affiliate of the Chicago, Rock Island & Pacific Railroad Company (the "Rock Island"). It formed part of a secondary through route from Dalhart, Texas, on the Rock Island's Tucumcari or "Golden State" transcontinental line, through Etter and Morse Junction to Liberal, Kansas, where it connected again with the Tucumcari main line. From Morse Junction another Rock Island route extended south to Amarillo. The Atchison, Topeka & Santa Fe Railway Company ("ATSF") held overhead trackage rights on the line from Etter to Morse, in order to reach ATSF's own line from Morse to Shattuck, Oklahoma.

After the Rock Island's bankruptcy and cessation of operations in the late 1970s, TXNW in 1982 acquired the Etter-Morse Junction-Liberal line and the portion of the Morse Junction-Amarillo line as far south as Stinnett, Texas from the Rock Island trustee. Texas North Western Railway Company -- Purchase (Portion) -- Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) in Texas and Oklahoma, Finance Docket No. 29475 (ICC served March 8, 1982). In 1987, TXNW abandoned its lines north of Morse and south of Pringle. Texas North Western Railway Company -- Abandonment and Discontinuance of Service Exemption -- Hansford and Hutchinson Counties, TX, Texas County, OK and Seward County, KS, Docket No. AB-281X (ICC served August 19, 1987). Three years later ATSF

discontinued its trackage rights on TXNW's Etter-Morse line. The Atchison, Topeka and Santa Fe Railway Company -- Discontinuance of Trackage Rights Exemption -- In Moore, Hutchinson and Hansford Counties, TX, Docket No. AB-52 (Sub-No. 63X) (ICC served July 16, 1990).

TXNW provided rail freight service on the Capps Spur during the 1990s, but no traffic has moved on the line since 2000. Given that no freight operations have been conducted on the line for nearly four years, no operational changes are anticipated as a result of this abandonment.

6. Engineering Documents. TXNW does not possess engineering drawings or records that would be useful in documenting any structures on the Capps Spur.

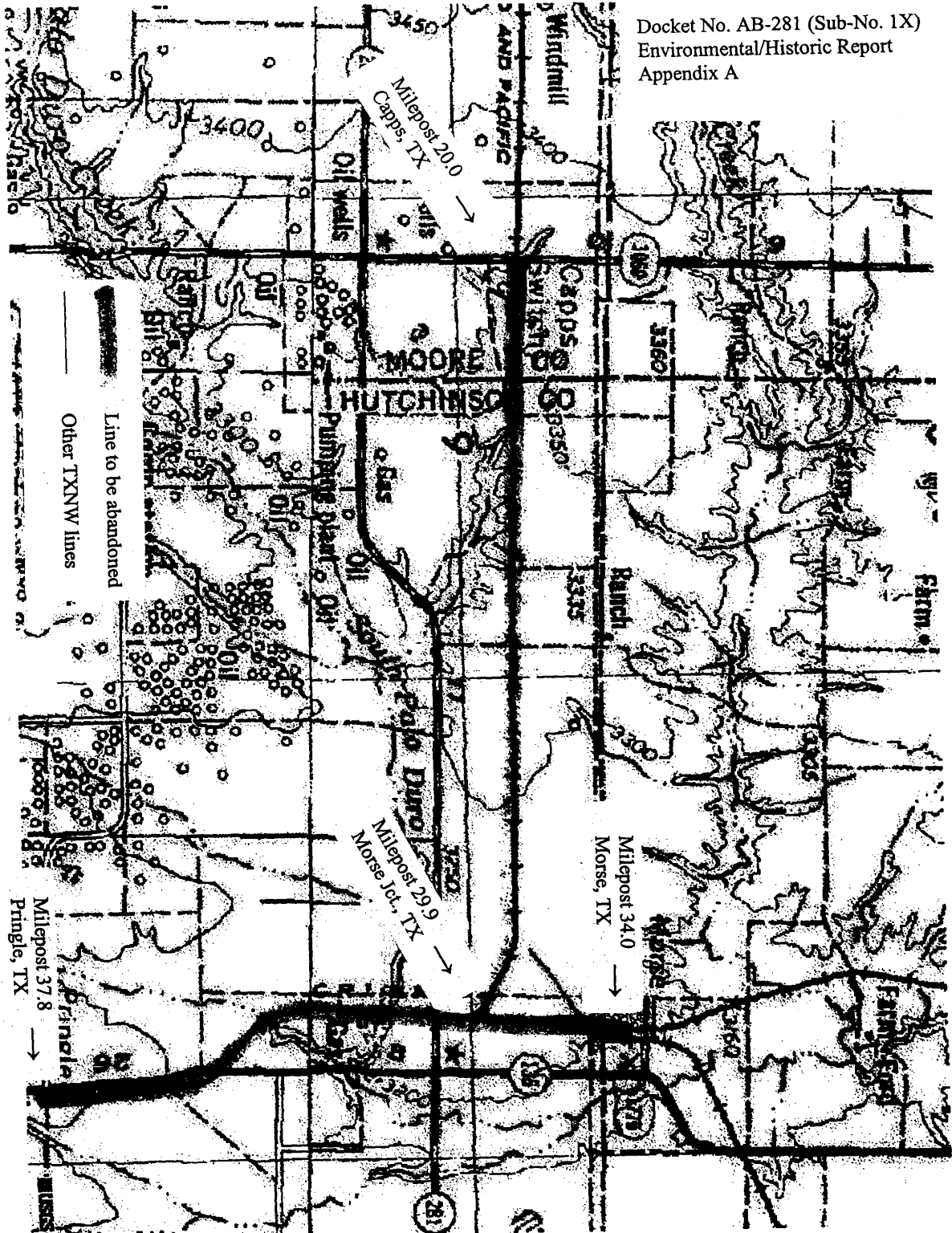
7. Historic Criteria. Based on readily available information in its possession, TXNW does not believe that any site or structure listed in or meeting the criteria for listing in the Natural Register of Historic Places is located on the Capps Spur or would be affected by the abandonment. TXNW also believes that no culturally significant locations, archaeological sites or unique land forms will be affected by the abandonment.

The Texas Historical Commission, in its capacity as SHPO, has reviewed the project and confirmed that no historic properties will be affected by the proposed abandonment. See correspondence attached as Appendices S, S-1 and S-2.

8. Ground Disturbances. Based on readily available information in its possession, TXNW believes that subsurface ground disturbance occurred when the Capps Spur was constructed nearly a century ago. TXNW is unaware of any other environmental conditions that might affect the archaeological recovery of resources. Access to the Capps Spur is generally fair, but difficult in certain isolated locations.

CERTIFICATIONS - 49 C.F.R § 1105.7(c)

A certification that the foregoing Report has been served on each of the agencies designated in 49 C.F.R. § 1105.7(b) and that TXNW has consulted with all appropriate agencies in preparing this Report is attached hereto as Appendix T. A certification that, in accordance with 49 C.F.R. § 1105.12, TXNW has published notice of the proposed abandonment in a newspaper of general circulation in the counties through which the Capps Spur passes is attached hereto as Appendix U.



FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2875

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

October 1, 2004

Mr. James L. Randall
Director
Transportation Planning and Programming Division
Texas Dept. of Transportation
125 East 11th Street
Austin, TX 78701-2483

Re: **Docket No. AB-281 (Sub-No. 1X)**
Texas North Western Railway Company -- Abandonment
Exemption -- In Moore, Hutchinson and Hansford Counties, TX

Dear Mr. Randall:

On or about November 10, 2004, Texas North Western Railway Company ("TXNW") expects to file with the Surface Transportation Board a notice of exemption for the abandonment of TXNW's line of railroad, referred to herein as the Capps Spur, extending from milepost 20.0 at Capps, Texas through milepost 29.9 at Morse Junction, Texas to the end of track at milepost 34.0 at Morse, Texas and from milepost 29.9 at Morse Junction to milepost 37.8 at Pringle, Texas, a total distance of approximately 21.9 miles in Moore, Hutchinson and Hansford Counties, Texas. The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved for the previous two years. A map showing the location of the Capps Spur is attached for your reference. After abandonment, rail and other track materials will be removed from the line, while ballast, ties and roadbed will remain in place and not be disturbed.

In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment of the Capps Spur so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional or local land use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year flood plains;

FLETCHER & SIPPEL LLC

Mr. James L. Randall
October 1, 2004
Page 2

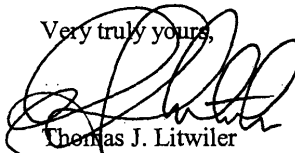
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Prime agricultural land;
10. Existing or potential safety hazards;
11. Coastal Zone Management Areas; or
12. The need for permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344).

Because of the limited nature of the proposed abandonment, we foresee no adverse environmental effects. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-281 (Sub-No. 1X) and be sent to the undersigned, as counsel for TXNW, with a copy to:

Surface Transportation Board
Section of Environmental Analysis
1925 K Street, N.W., Room 504
Washington, DC 20423-0001

In accordance with the Board's regulations, a copy of the Environmental/Historic Report prepared in connection with this abandonment will be forwarded to you at least twenty days before TXNW's notice of exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance on this matter. Kind regards.

Very truly yours,



Thomas J. Litwiler
Attorney for Texas North Western
Railway Company

TJL:paj

Attachment

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2875

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

October 1, 2004

Honorable Kari Campbell
Moore County Judge
202 County Courthouse
715 South Dumas Avenue
Dumas, TX 79029

Re: **Docket No. AB-281 (Sub-No. 1X)**
Texas North Western Railway Company -- Abandonment
Exemption -- In Moore, Hutchinson and Hansford Counties, TX

Dear Judge Campbell:

On or about November 10, 2004, Texas North Western Railway Company ("TXNW") expects to file with the Surface Transportation Board a notice of exemption for the abandonment of TXNW's line of railroad, referred to herein as the Capps Spur, extending from milepost 20.0 at Capps, Texas through milepost 29.9 at Morse Junction, Texas to the end of track at milepost 34.0 at Morse, Texas and from milepost 29.9 at Morse Junction to milepost 37.8 at Pringle, Texas, a total distance of approximately 21.9 miles in Moore, Hutchinson and Hansford Counties, Texas. The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved for the previous two years. A map showing the location of the Capps Spur is attached for your reference. After abandonment, rail and other track materials will be removed from the line, while ballast, ties and roadbed will remain in place and not be disturbed.

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7. Endangered or threatened species and critical habitats;

FLETCHER & SIPPEL LLC

The Hon. Kari Campbell
October 1, 2004
Page 2

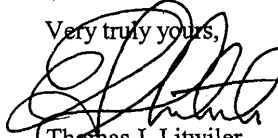
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12. The need for permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344).

Because of the limited nature of the proposed abandonment, we foresee no adverse environmental effects. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-281 (Sub-No. 1X) and be sent to the undersigned, as counsel for TXNW, with a copy to:

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Very truly yours,



Thomas J. Litwiler
Attorney for Texas North Western
Railway Company

TJL:paj

Attachment

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2875

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

October 1, 2004

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

Honorable Jack L. Worsham
Hutchinson County Judge
P.O. Box 790
Stinnett, TX 79083-0790

Re: **Docket No. AB-281 (Sub-No. 1X)**
Texas North Western Railway Company -- Abandonment
Exemption -- In Moore, Hutchinson and Hansford Counties, TX

Dear Judge Worsham:

On or about November 10, 2004, Texas North Western Railway Company ("TXNW") expects to file with the Surface Transportation Board a notice of exemption for the abandonment of TXNW's line of railroad, referred to herein as the Capps Spur, extending from milepost 20.0 at Capps, Texas through milepost 29.9 at Morse Junction, Texas to the end of track at milepost 34.0 at Morse, Texas and from milepost 29.9 at Morse Junction to milepost 37.8 at Pringle, Texas, a total distance of approximately 21.9 miles in Moore, Hutchinson and Hansford Counties, Texas. The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved for the previous two years. A map showing the location of the Capps Spur is attached for your reference. After abandonment, rail and other track materials will be removed from the line, while ballast, ties and roadbed will remain in place and not be disturbed.

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FLETCHER & SIPPEL LLC

The Hon. Jack L. Worsham
October 1, 2004
Page 2

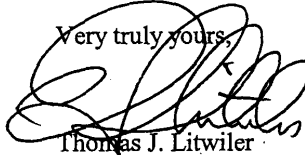
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Because of the limited nature of the proposed abandonment, we foresee no adverse environmental effects. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-281 (Sub-No. 1X) and be sent to the undersigned, as counsel for TXNW, with a copy to:

Surface Transportation Board
Section of Environmental Analysis
1925 K Street, N.W., Room 504
Washington, DC 20423-0001

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Very truly yours,



Thomas J. Litwiler
Attorney for Texas North Western
Railway Company

TJL:paj

Attachment

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2875

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

October 1, 2004

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

Honorable Benny D. Wilson
Hansford County Judge
P.O. Box 367
Spearman, TX 79081-0367

Re: **Docket No. AB-281 (Sub-No. 1X)**
Texas North Western Railway Company -- Abandonment
Exemption -- In Moore, Hutchinson and Hansford Counties, TX

Dear Judge Wilson:

On or about November 10, 2004, Texas North Western Railway Company ("TXNW") expects to file with the Surface Transportation Board a notice of exemption for the abandonment of TXNW's line of railroad, referred to herein as the Capps Spur, extending from milepost 20.0 at Capps, Texas through milepost 29.9 at Morse Junction, Texas to the end of track at milepost 34.0 at Morse, Texas and from milepost 29.9 at Morse Junction to milepost 37.8 at Pringle, Texas, a total distance of approximately 21.9 miles in Moore, Hutchinson and Hansford Counties, Texas. The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved for the previous two years. A map showing the location of the Capps Spur is attached for your reference. After abandonment, rail and other track materials will be removed from the line, while ballast, ties and roadbed will remain in place and not be disturbed.

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FLETCHER & SIPPEL LLC

The Hon. Benny D. Wilson
October 1, 2004
Page 2

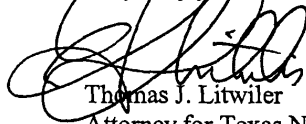
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12. The need for permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344).

Because of the limited nature of the proposed abandonment, we foresee no adverse environmental effects. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-281 (Sub-No. 1X) and be sent to the undersigned, as counsel for TXNW, with a copy to:

Surface Transportation Board
Section of Environmental Analysis
1925 K Street, N.W., Room 504
Washington, DC 20423-0001

In accordance with the Board's regulations, a copy of the Environmental/Historic Report prepared in connection with this abandonment will be forwarded to you at least twenty days before TXNW's notice of exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance on this matter. Kind regards.

Very truly yours,



Thomas J. Litwiler
Attorney for Texas North Western
Railway Company

TJL:paj

Attachment

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2875

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

October 1, 2004

Mr. Gary Pitner
Executive Director
Panhandle Regional Planning Commission
P.O. Box 9257
Amarillo, TX 79105-9257

Re: **Docket No. AB-281 (Sub-No. 1X)**
Texas North Western Railway Company -- Abandonment
Exemption -- In Moore, Hutchinson and Hansford Counties, TX

Dear Mr. Pitner:

On or about November 10, 2004, Texas North Western Railway Company ("TXNW") expects to file with the Surface Transportation Board a notice of exemption for the abandonment of TXNW's line of railroad, referred to herein as the Capps Spur, extending from milepost 20.0 at Capps, Texas through milepost 29.9 at Morse Junction, Texas to the end of track at milepost 34.0 at Morse, Texas and from milepost 29.9 at Morse Junction to milepost 37.8 at Pringle, Texas, a total distance of approximately 21.9 miles in Moore, Hutchinson and Hansford Counties, Texas. The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved for the previous two years. A map showing the location of the Capps Spur is attached for your reference. After abandonment, rail and other track materials will be removed from the line, while ballast, ties and roadbed will remain in place and not be disturbed.

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FLETCHER & SIPPEL LLC

Mr. Gary Pitner
October 1, 2004
Page 2

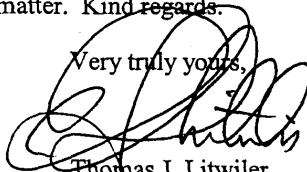
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Very truly yours,



Thomas J. Litwiler
Attorney for Texas North Western
Railway Company

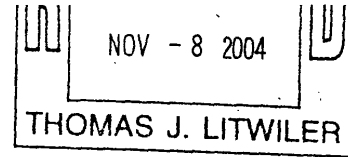
TJL:paj

Attachment



Docket No. AB-281 (Sub-No. 1X)
Environmental/Historic Report
Appendix F-1

November 3, 2004



Thomas J. Litwiler
Fletcher & Sippel, LLC
29 North Wacker Drive, Suite 920
Chicago, Illinois 60606-2875

Re: Docket No. AB-281 (Sub-No. 1X)
Texas North Western Railway Company – Abandonment

Dear Mr. Litwiler,

The Panhandle Regional Planning Commission is in receipt of your letters dated October 1, 2004 and October 25, 2004. After reviewing the Environmental / Historic Report, we concur with your conclusion that the proposed abandonment will not have any adverse environmental or historic effects on the region.

I would also say that we are somewhat disappointed that the region will lose some of its transportation infrastructure through this action. Though we are disappointed, we understand that this particular line has not carried any traffic in at least four years.

Thank you for the opportunity to provide comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Nelson", written over a horizontal line.

Doug Nelson
Economic Development Director

Cc: Surface Transportation Board
Section of Environmental Analysis
1925 K Street, N.W., Room 504
Washington, DC 20423-0001



FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2875

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www.fletcher-sippel.com

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

October 1, 2004

Dr. Larry D. Butler
State Conservationist
USDA Natural Resources Conservation Service
101 South Main Street
Temple, TX 76501-7682

Re: **Docket No. AB-281 (Sub-No. 1X)**
Texas North Western Railway Company -- Abandonment
Exemption -- In Moore, Hutchinson and Hansford Counties, TX

Dear Dr. Butler:

On or about November 10, 2004, Texas North Western Railway Company ("TXNW") expects to file with the Surface Transportation Board a notice of exemption for the abandonment of TXNW's line of railroad, referred to herein as the Capps Spur, extending from milepost 20.0 at Capps, Texas through milepost 29.9 at Morse Junction, Texas to the end of track at milepost 34.0 at Morse, Texas and from milepost 29.9 at Morse Junction to milepost 37.8 at Pringle, Texas, a total distance of approximately 21.9 miles in Moore, Hutchinson and Hansford Counties, Texas. The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved for the previous two years. A map showing the location of the Capps Spur is attached for your reference. After abandonment, rail and other track materials will be removed from the line, while ballast, ties and roadbed will remain in place and not be disturbed.

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FLETCHER & SIPPEL LLC

Dr. Larry D. Butler
October 1, 2004
Page 2

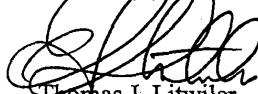
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Very truly yours,



Thomas J. Litwiler
Attorney for Texas North Western
Railway Company

TJL:paj

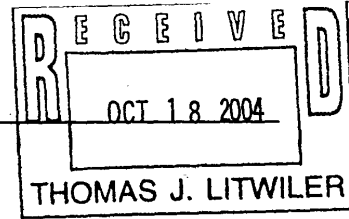
Attachment

United States Department of Agriculture

Docket No. AB-281 (Sub-No. 1X)
Environmental/Historic Report
Appendix G-1



Natural Resources Conservation Service
101 South Main Street
Temple, TX 76501-7602



October 12, 2004

Mr. Thomas J. Litwiler
Attorney for Texas North Western Railway Company
Fletcher & Sippel LLC
Attorneys at Law
29 North Wacker Drive, Suite 920
Chicago, IL 60606-2875


Dear Mr. Litwiler:

We have reviewed Docket No. AB-281 (Sub-No. 1X) Notice of Exemption for the Abandonment of Texas North Western Railway Company in Moore, Hutchinson, and Hansford Counties, Texas, project map.

Based on our review, the NRCS does not have any objections or comments on this activity. We do not require any permits, easements, or approvals for activities such as this.

Thank you for the opportunity to review this proposed project.

Sincerely,

For 
LARRY D. BUTLER, Ph.D.
State Conservationist

The Natural Resources Conservation Service provides leadership in a partnership effort to help people conserve, maintain, and improve our natural resources and environment.

An Equal Opportunity Provider and Employer

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2875

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

October 1, 2004

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

Ms. Gwen Spriggs
Coastal Administrative Coordinator
Texas Coastal Management Program
Texas General Land Office
P.O. Box 12873
Austin, TX 78711-2873

Re: **Docket No. AB-281 (Sub-No. 1X)**
Texas North Western Railway Company -- Abandonment
Exemption -- In Moore, Hutchinson and Hansford Counties, TX

Dear Ms. Spriggs:

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FLETCHER & SIPPEL LLC

Ms. Gwen Spriggs
October 1, 2004
Page 2

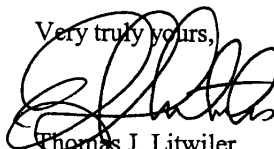
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Very truly yours,



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Attorney for Texas North Western
Railway Company

TJL:paj

Attachment

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www.fletcher-sippel.com

October 1, 2004

Mr. Randolph G. Wood
Deputy Director
Office of Environmental Policy, Analysis & Assessment
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Re: **Docket No. AB-281 (Sub-No. 1X)**
Texas North Western Railway Company -- Abandonment
Exemption -- In Moore, Hutchinson and Hansford Counties, TX

Dear Mr. Wood:

On or about November 10, 2004, Texas North Western Railway Company ("TXNW") expects to file with the Surface Transportation Board a notice of exemption for the abandonment of TXNW's line of railroad, referred to herein as the Capps Spur, extending from milepost 20.0 at Capps, Texas through milepost 29.9 at Morse Junction, Texas to the end of track at milepost 34.0 at Morse, Texas and from milepost 29.9 at Morse Junction to milepost 37.8 at Pringle, Texas, a total distance of approximately 21.9 miles in Moore, Hutchinson and Hansford Counties, Texas. The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved for the previous two years. A map showing the location of the Capps Spur is attached for your reference. After abandonment, rail and other track materials will be removed from the line, while ballast, ties and roadbed will remain in place and not be disturbed.

In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment of the Capps Spur so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional or local land use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year flood plains;

FLETCHER & SIPPEL LLC

Mr. Randolph G. Wood
October 1, 2004
Page 2

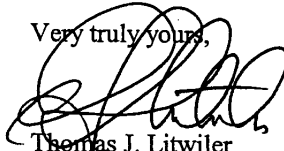
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Prime agricultural land;
10. Existing or potential safety hazards;
11. Coastal Zone Management Areas; or
12. The need for permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344).

Because of the limited nature of the proposed abandonment, we foresee no adverse environmental effects. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-281 (Sub-No. 1X) and be sent to the undersigned, as counsel for TXNW, with a copy to:

Surface Transportation Board
Section of Environmental Analysis
1925 K Street, N.W., Room 504
Washington, DC 20423-0001

In accordance with the Board's regulations, a copy of the Environmental/Historic Report prepared in connection with this abandonment will be forwarded to you at least twenty days before TXNW's notice of exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance on this matter. Kind regards.

Very truly yours,



Thomas J. Litwiler
Attorney for Texas North Western
Railway Company

TJL:paj

Attachment

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2875

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

October 1, 2004

Mr. Michael P. Jansky
Office of Planning & Coordination (6EN-XP)
U.S. Environmental Protection Agency H
1445 Ross Avenue, Ste. 1200
Dallas, TX 75202-2733

Re: **Docket No. AB-281 (Sub-No. 1X)**
Texas North Western Railway Company -- Abandonment
Exemption -- In Moore, Hutchinson and Hansford Counties, TX

Dear Mr. Jansky:

On or about November 10, 2004, Texas North Western Railway Company ("TXNW") expects to file with the Surface Transportation Board a notice of exemption for the abandonment of TXNW's line of railroad, referred to herein as the Capps Spur, extending from milepost 20.0 at Capps, Texas through milepost 29.9 at Morse Junction, Texas to the end of track at milepost 34.0 at Morse, Texas and from milepost 29.9 at Morse Junction to milepost 37.8 at Pringle, Texas, a total distance of approximately 21.9 miles in Moore, Hutchinson and Hansford Counties, Texas. The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved for the previous two years. A map showing the location of the Capps Spur is attached for your reference. After abandonment, rail and other track materials will be removed from the line, while ballast, ties and roadbed will remain in place and not be disturbed.

In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment of the Capps Spur so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional or local land use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year flood plains;
7. Endangered or threatened species and critical habitats;

FLETCHER & SIPPEL LLC

Mr. Michael P. Jansky
October 1, 2004
Page 2

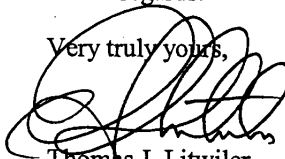
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Prime agricultural land;
10. Existing or potential safety hazards;
11. Coastal Zone Management Areas; or
12. The need for permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344).

Because of the limited nature of the proposed abandonment, we foresee no adverse environmental effects. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-281 (Sub-No. 1X) and be sent to the undersigned, as counsel for TXNW, with a copy to:

Surface Transportation Board
Section of Environmental Analysis
1925 K Street, N.W., Room 504
Washington, DC 20423-0001

In accordance with the Board's regulations, a copy of the Environmental/Historic Report prepared in connection with this abandonment will be forwarded to you at least twenty days before TXNW's notice of exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance on this matter. Kind regards.

Very truly yours,



Thomas J. Litwiler
Attorney for Texas North Western
Railway Company

TJL:paj

Attachment

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2875

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

October 1, 2004

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

Larry D. McKinney, Ph.D
Senior Director
Resource Protection Division
Texas Parks and Wildlife Dept.
4200 Smith School Road
Austin, TX 78744

Re: **Docket No. AB-281 (Sub-No. 1X)**
Texas North Western Railway Company -- Abandonment
Exemption -- In Moore, Hutchinson and Hansford Counties, TX

Dear Dr. McKinney:

On or about November 10, 2004, Texas North Western Railway Company ("TXNWX") expects to file with the Surface Transportation Board a notice of exemption for the abandonment of TXNWX's line of railroad, referred to herein as the Capps Spur, extending from milepost 20.0 at Capps, Texas through milepost 29.9 at Morse Junction, Texas to the end of track at milepost 34.0 at Morse, Texas and from milepost 29.9 at Morse Junction to milepost 37.8 at Pringle, Texas, a total distance of approximately 21.9 miles in Moore, Hutchinson and Hansford Counties, Texas. The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved for the previous two years. A map showing the location of the Capps Spur is attached for your reference. After abandonment, rail and other track materials will be removed from the line, while ballast, ties and roadbed will remain in place and not be disturbed.

In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment of the Capps Spur so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional or local land use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year flood plains;

FLETCHER & SIPPEL LLC

Larry D. McKinney, Ph.D
October 1, 2004
Page 2

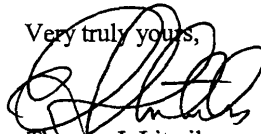
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Prime agricultural land;
10. Existing or potential safety hazards;
11. Coastal Zone Management Areas; or
12. The need for permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344).

Because of the limited nature of the proposed abandonment, we foresee no adverse environmental effects. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-281 (Sub-No. 1X) and be sent to the undersigned, as counsel for TXNW, with a copy to:

Surface Transportation Board
Section of Environmental Analysis
1925 K Street, N.W., Room 504
Washington, DC 20423-0001

In accordance with the Board's regulations, a copy of the Environmental/Historic Report prepared in connection with this abandonment will be forwarded to you at least twenty days before TXNW's notice of exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance on this matter. Kind regards.

Very truly yours,



Thomas J. Litwiler
Attorney for Texas North Western
Railway Company

TJL:paj

Attachment

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2875

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

October 1, 2004

Mr. H. Dale Hall
Regional Director
Southwest Region 2
U.S. Fish & Wildlife Service
500 Gold Avenue, SW
Albuquerque, NM 87102

Re: **Docket No. AB-281 (Sub-No. 1X)**
Texas North Western Railway Company -- Abandonment
Exemption -- In Moore, Hutchinson and Hansford Counties, TX

Dear Mr. Hall:

On or about November 10, 2004, Texas North Western Railway Company ("TXNW") expects to file with the Surface Transportation Board a notice of exemption for the abandonment of TXNW's line of railroad, referred to herein as the Capps Spur, extending from milepost 20.0 at Capps, Texas through milepost 29.9 at Morse Junction, Texas to the end of track at milepost 34.0 at Morse, Texas and from milepost 29.9 at Morse Junction to milepost 37.8 at Pringle, Texas, a total distance of approximately 21.9 miles in Moore, Hutchinson and Hansford Counties, Texas. The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved for the previous two years. A map showing the location of the Capps Spur is attached for your reference. After abandonment, rail and other track materials will be removed from the line, while ballast, ties and roadbed will remain in place and not be disturbed.

In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment of the Capps Spur so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional or local land use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year flood plains;

FLETCHER & SIPPEL LLC

Mr. H. Dale Hall
October 1, 2004
Page 2

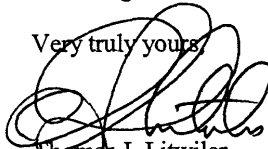
7. Endangered or threatened species and critical habitats;
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9. Prime agricultural land;
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11. Coastal Zone Management Areas; or
12. The need for permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344).

Because of the limited nature of the proposed abandonment, we foresee no adverse environmental effects. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-281 (Sub-No. 1X) and be sent to the undersigned, as counsel for TXNW, with a copy to:

Surface Transportation Board
Section of Environmental Analysis
1925 K Street, N.W., Room 504
Washington, DC 20423-0001

In accordance with the Board's regulations, a copy of the Environmental/Historic Report prepared in connection with this abandonment will be forwarded to you at least twenty days before TXNW's notice of exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance on this matter. Kind regards.

Very truly yours,



Thomas J. Litwiler
Attorney for Texas North Western
Railway Company

TJL:paj

Attachment

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2875

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

October 1, 2004

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

Mr. Stephen P. Martin
Regional Director
Intermountain Region
National Park Service
12795 Alameda Parkway
Denver, CO 80225

Re: **Docket No. AB-281 (Sub-No. 1X)**
Texas North Western Railway Company -- Abandonment
Exemption -- In Moore, Hutchinson and Hansford Counties, TX

Dear Mr. Martin:

On or about November 10, 2004, Texas North Western Railway Company ("TXNW") expects to file with the Surface Transportation Board a notice of exemption for the abandonment of TXNW's line of railroad, referred to herein as the Capps Spur, extending from milepost 20.0 at Capps, Texas through milepost 29.9 at Morse Junction, Texas to the end of track at milepost 34.0 at Morse, Texas and from milepost 29.9 at Morse Junction to milepost 37.8 at Pringle, Texas, a total distance of approximately 21.9 miles in Moore, Hutchinson and Hansford Counties, Texas. The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved for the previous two years. A map showing the location of the Capps Spur is attached for your reference. After abandonment, rail and other track materials will be removed from the line, while ballast, ties and roadbed will remain in place and not be disturbed.

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5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year flood plains;

FLETCHER & SIPPEL LLC

Mr. Stephen P. Martin
October 1, 2004
Page 2

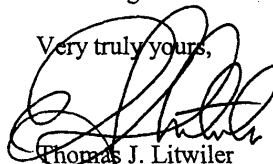
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Prime agricultural land;
10. Existing or potential safety hazards;
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12. The need for permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344).

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Section of Environmental Analysis
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Washington, DC 20423-0001

In accordance with the Board's regulations, a copy of the Environmental/Historic Report prepared in connection with this abandonment will be forwarded to you at least twenty days before TXNW's notice of exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance on this matter. Kind regards.

Very truly yours,



Thomas J. Litwiler
Attorney for Texas North Western
Railway Company

TJL:paj

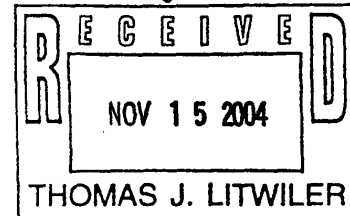
Attachment



United States Department of the Interior

NATIONAL PARK SERVICE
INTERMOUNTAIN REGION
Intermountain Support Office
12795 West Alameda Parkway
PO Box 25287
Denver, Colorado 80225-0287

Docket No. AB-281 (Sub-No. 1X)
Environmental/Historic Report
Appendix M-1



NOV 09 2004

Surface Transportation Board
Section of Environmental Analysis
1925 K Street, N.W., Room 504
Washington, DC 20423-0001

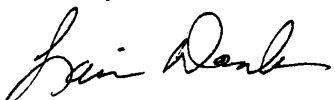
Subject: Docket No. AB-281 (Sub-No. 1X)
Texas North Western Railway Company - Abandonment
Exemption - In Moore, Hutchinson and Hansford Counties, TX

To Whom It May Concern:

The National Park Service has reviewed the subject project and has determined there are no National Park Service Units in the vicinity. In view of this, the National Park Service has no comments on this project.

We appreciate the opportunity to comment. If you have any questions, please contact me at (303)969-2851.

Sincerely,


For Cheryl Eckhardt
NEPA/Section 106 Specialist

✓ cc: Thomas J. Litwiler, Fletcher & Sippel LLC

TAKE PRIDE[®]
IN AMERICA 

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2875

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

October 1, 2004

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

U.S. Army Corps of Engineers
Tulsa District, Regulatory Branch
CESWT-PE-R
1645 South 101st East Avenue
Tulsa, OK 74128

Re: **Docket No. AB-281 (Sub-No. 1X)**
Texas North Western Railway Company -- Abandonment
Exemption -- In Moore, Hutchinson and Hansford Counties, TX

Dear Sir/Madam:

On or about November 10, 2004, Texas North Western Railway Company ("TXNW") expects to file with the Surface Transportation Board a notice of exemption for the abandonment of TXNW's line of railroad, referred to herein as the Capps Spur, extending from milepost 20.0 at Capps, Texas through milepost 29.9 at Morse Junction, Texas to the end of track at milepost 34.0 at Morse, Texas and from milepost 29.9 at Morse Junction to milepost 37.8 at Pringle, Texas, a total distance of approximately 21.9 miles in Moore, Hutchinson and Hansford Counties, Texas. The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved for the previous two years. A map showing the location of the Capps Spur is attached for your reference. After abandonment, rail and other track materials will be removed from the line, while ballast, ties and roadbed will remain in place and not be disturbed.

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5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year flood plains;
7. Endangered or threatened species and critical habitats;

FLETCHER & SIPPEL LLC

U.S. Army Corps of Engineers
October 1, 2004
Page 2

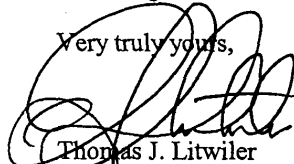
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Very truly yours,



Thomas J. Litwiler
Attorney for Texas North Western
Railway Company

TJL:paj

Attachment

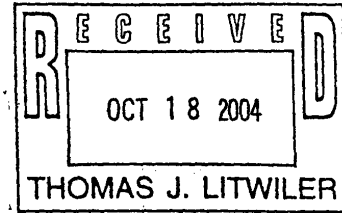


DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, TULSA DISTRICT
1645 SOUTH 101ST EAST AVENUE
TULSA, OKLAHOMA 74128-4609

Docket No. AB-281 (Sub-No. 1X)
Environmental/Historic Report
Appendix N-1

October 12, 2004

Planning, Environmental, and Regulatory Division
Regulatory Branch



Mr. Thomas J. Litwiler
Fletcher & Sippel, LLC
Attorneys at Law
29 North Wacker Driver, Suite 920
Chicago, IL 60606-2875

Dear Mr. Litwiler:

Please reference your letter dated October 1, 2004, regarding the proposed abandonment of an existing railway. The subject railway is described as the Capps Spur, extending from Capps to Morse Junction, thence to Pringle, a total of 21.9 miles, all within Moore, Hutchinson, and Hansford, Counties, Texas.

The provided information does not indicate that a placement of dredged or fill material will be required, permanently or temporarily, into any "waters of the United States," including jurisdictional wetlands. Therefore, your proposal is not subject to regulation pursuant to Section 404 of the Clean Water Act, and a Department of the Army (DA) permit will not be required. Should your method of construction necessitate such a discharge, we suggest that you resubmit that portion of your project so that we may determine whether an individual DA permit will be required.

Although DA authorization is not required, this does not preclude the possibility that other Federal, State, or local permits may be required.

Your project has been assigned Identification Number 14010. Please refer to this number during future correspondence. If further assistance is required, contact Mr. Allen Ryan at 918-669-7618.

Sincerely,

Allen Ryan
David A. Manning
Chief, Regulatory Branch

PRELIMINARY JURISDICTIONAL DETERMINATION (JD)
INFORMATION SHEET

Preliminary JD's are not subject to appeal under the Administrative Appeal Process (AAP) of the U.S. Army Corps of Engineers (Corps). If you wish to challenge Corps regulatory jurisdiction for this project site, you may request an approved JD, which is subject to appeal under the AAP. If you desire to provide new information regarding this project site to the Corps for further consideration in reevaluation of the JD, it is recommended that any information be submitted prior to or accompanying your request for a final approved JD. Once the appeal process is underway for an approved JD, the AAP rules do not allow for submission of new information. You are not required to respond to the Corps regarding a preliminary JD if you concur with the determination.

For obtaining an approved JD, there are two options. The first option is to obtain the services of a consultant trained in the identification and delineation of wetlands and waters of the United States. A list of consultants in the area may be obtained from the Corps office. Any wetland delineation performed by a consultant must be completed in accordance with the 1987 Corps of Engineers Wetland Delineation Manual and supplemental guidance. The submitted wetland delineation should be accompanied by appropriate documentation and will be subject to review and validation by the Corps. A properly prepared and supported wetland delineation report provided by a consultant will expedite project review under the authority of Section 404 of the Clean Water Act. The second option is to request an approved wetland delineation from the Corps office. However, due to resource limitations and the size of the proposed development, the Corps cannot conduct the delineation of wetlands on these lands without a substantial delay for the permit applicant. If you desire the Corps to delineate the wetlands, expect a delay of at least 3 months for us to begin this service. To accomplish this task, you will need to provide notice to the Corps that you elect not to complete the delineation process through a private consultant. You should also provide written right-of-entry for the Corps to access the properties related to this project for wetland delineation purposes.

In addition to the above information, we also request site-specific construction plans that describe, at least in concept, any proposed excavation or filling activity on the subject site. Upon receipt of this information, an site investigation of the property may be conducted. The Corps will then provide a formal wetland delineation describing the extent or absence of wetlands on the property likely to be affected by the proposed project. In accordance with Federal mitigation policy, we may also recommend ways the proposal can be altered to avoid impacting aquatic environments and wetlands. The final wetland determination will be the official position of the Corps used to ascertain the subsequent need for a Section 404 permit for the proposed work, and as an approved JD will be subject to the AAP.

Contact:

Regulatory Branch
U.S. Army Corps of Engineers
1645 S. 101st East Ave.
Tulsa, OK 74128-4609

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2875

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

October 1, 2004

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

Ms. Denise Francis
State of Texas Single Point of Contact
Governor's Office of Budget and Planning
P.O. Box 12428
Austin, TX 78711

Re: **Docket No. AB-281 (Sub-No. 1X)**
Texas North Western Railway Company -- Abandonment
Exemption -- In Moore, Hutchinson and Hansford Counties, TX

Dear Ms. Francis:

On or about November 10, 2004, Texas North Western Railway Company ("TXNW") expects to file with the Surface Transportation Board a notice of exemption for the abandonment of TXNW's line of railroad, referred to herein as the Capps Spur, extending from milepost 20.0 at Capps, Texas through milepost 29.9 at Morse Junction, Texas to the end of track at milepost 34.0 at Morse, Texas and from milepost 29.9 at Morse Junction to milepost 37.8 at Pringle, Texas, a total distance of approximately 21.9 miles in Moore, Hutchinson and Hansford Counties, Texas. The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved for the previous two years. A map showing the location of the Capps Spur is attached for your reference. After abandonment, rail and other track materials will be removed from the line, while ballast, ties and roadbed will remain in place and not be disturbed.

In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment of the Capps Spur so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional or local land use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year flood plains;
7. Endangered or threatened species and critical habitats;

FLETCHER & SIPPEL LLC

Ms. Denise Francis
October 1, 2004
Page 2

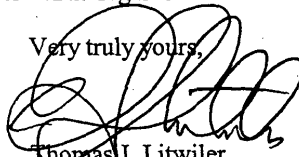
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Prime agricultural land;
10. Existing or potential safety hazards;
11. Coastal Zone Management Areas; or
12. The need for permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344).

Because of the limited nature of the proposed abandonment, we foresee no adverse environmental effects. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-281 (Sub-No. 1X) and be sent to the undersigned, as counsel for TXNW, with a copy to:

Surface Transportation Board
Section of Environmental Analysis
1925 K Street, N.W., Room 504
Washington, DC 20423-0001

In accordance with the Board's regulations, a copy of the Environmental/Historic Report prepared in connection with this abandonment will be forwarded to you at least twenty days before TXNW's notice of exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance on this matter. Kind regards.

Very truly yours,



Thomas J. Litwiler
Attorney for Texas North Western
Railway Company

TJL:paj

Attachment

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2875

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

October 1, 2004

Mr. Richard A. Snay
Chief
Spatial Reference System Division
National Geodetic Survey
1315 East West Highway, N/NGS2
Silver Spring, MD 20910-3282

Re: **Docket No. AB-281 (Sub-No. 1X)**
Texas North Western Railway Company -- Abandonment
Exemption -- In Moore, Hutchinson and Hansford Counties, TX

Dear Mr. Snay:

On or about November 10, 2004, Texas North Western Railway Company ("TXNW") expects to file with the Surface Transportation Board a notice of exemption for the abandonment of TXNW's line of railroad, referred to herein as the Capps Spur, extending from milepost 20.0 at Capps, Texas through milepost 29.9 at Morse Junction, Texas to the end of track at milepost 34.0 at Morse, Texas and from milepost 29.9 at Morse Junction to milepost 37.8 at Pringle, Texas, a total distance of approximately 21.9 miles in Moore, Hutchinson and Hansford Counties, Texas. The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved for the previous two years. A map showing the location of the Capps Spur is attached for your reference. After abandonment, rail and other track materials will be removed from the line, while ballast, ties and roadbed will remain in place and not be disturbed.

In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment of the Capps Spur so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional or local land use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year flood plains;

FLETCHER & SIPPEL LLC

Mr. Richard A. Snay
October 1, 2004
Page 2

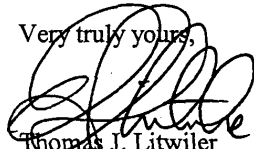
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Prime agricultural land;
10. Existing or potential safety hazards;
11. Coastal Zone Management Areas; or
12. The need for permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344).

Because of the limited nature of the proposed abandonment, we foresee no adverse environmental effects. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-281 (Sub-No. 1X) and be sent to the undersigned, as counsel for TXNW, with a copy to:

Surface Transportation Board
Section of Environmental Analysis
1925 K Street, N.W., Room 504
Washington, DC 20423-0001

In accordance with the Board's regulations, a copy of the Environmental/Historic Report prepared in connection with this abandonment will be forwarded to you at least twenty days before TXNW's notice of exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance on this matter. Kind regards.

Very truly yours,



Thomas J. Litwiler
Attorney for Texas North Western
Railway Company

TJL:paj

Attachment



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
National Geodetic Survey
Silver Spring, Maryland 20910-3282

OCT 15 2004

Docket No. AB-281 (Sub-No. 1X)
Environmental/Historic Report
Appendix P-1

Ms. Victoria J. Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

THOMAS J. LITWILER

Dear Ms. Rutson:

The area in question on the map with the Environmental and Historic Reports for the proposed rail line abandonment of Texas North Western Railway Company for approximately 21.9 miles of the Capps Spur Rail Line, extending from milepost 20.0 at Capps, Texas through milepost 29.9 at Morse Junction, Texas to the end of track at milepost 34.0 at Morse, Texas and from milepost 29.9 at Morse Junction to milepost 37.8 at Pringle, Texas in Moore, Hutchinson & Hansford Counties, Texas, Docket No. - AB-281 (Sub-No. 1X), has been reviewed within the areas of National Geodetic Survey (NGS) responsibility and expertise and in terms of the impact of the proposed actions on NGS activities and projects.

As a result of this review, 16 geodetic station markers have been identified that may be affected by the proposed abandonment; a listing of these markers is enclosed. Additional information about these station markers can be obtained via the Internet or NGS CD-ROM. A fact sheet for these two data retrieval methods is enclosed. If there are any planned activities which will disturb or destroy these markers, NGS requires not less than 90 days notification in advance of such activities in order to plan for their relocation.

If further information is needed for these geodetic markers, contact Mr. Frank C. Maida. His address is NOAA, N/NGS2, Room 8736, 1315 East-West Highway, Silver Spring, Maryland 20910-3282, telephone: 301-713-3198, fax: 301-713-4324, e-mail: Frank.Maida@noaa.gov.

Sincerely,

for

Richard A. Snay
Chief, Spatial Reference System Division

Enclosures

cc: N/NGS1 - G. Mitchell
N/NGS1x1 - C. Middleton



Printed on Recycled Paper



TEXAS NORTH WESTERN RAILWAY COMPANY
IN MOORE, HUTCHINSON AND HANSFORD COUNTIES, TEXAS

STB DOCKET NO. AB-281 (SUB-NO. 1X)

16 GEODETIC CONTROL MARKS IN THE PROPOSED ABANDONMENT AREA

PIDS	DESIGNATION	LATITUDE	LONGITUDE
FL0781	F 253	N355700	W1012718
FL0782	G 253	N355856	W1012745
GK0280	H 253	N360031	W1012834
GK0425	K 380	N360158	W1012842
GK0281	J 253	N360210	W1012826
GK0282	K 253	N360328	W1012822
GK0424	L 380	N360215	W1012952
GK0666	Z 515	N360216	W1013022
GK0665	M 380	N360216	W1013128
GK0663	N 380	N360216	W1013235
GK0662	P 380	N360216	W1013335
GK0661	X 515	N360217	W1013444
GK0660	Q 380	N360216	W1013544
GK0659	W 515	N360217	W1013700
GK0658	B 514	N360218	W1013809
GK0657	A 514	N360216	W1013859



National Geodetic Survey - News Flash!



GEODETIC DATA AVAILABLE FREE ON THE INTERNET

Are you interested in getting the most current position, height, and descriptive information for all the geodetic control points in the National Spatial Reference System? Are you interested in getting this information immediately, free of cost, and whenever you want it? With an Internet connection, this information is yours to download.

The National Geodetic Survey's (NGS) data sheet contains position, height, and descriptive information for approximately 750,000 control points throughout the United States. The data sheet provides:

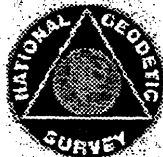
- ▶ The geodetic coordinates and the orthometric height for each point
- ▶ The horizontal and vertical datums on which the information is based
- ▶ State plane coordinates and Universal Transverse Mercator coordinates
- ▶ Modeled geoid height, ellipsoidal height, modeled gravity, and Laplace correction
- ▶ A description of the station's location and how to reach it

To obtain this information, set your Web browser to
http://www.ngs.noaa.gov/products_services.html

For more information contact:

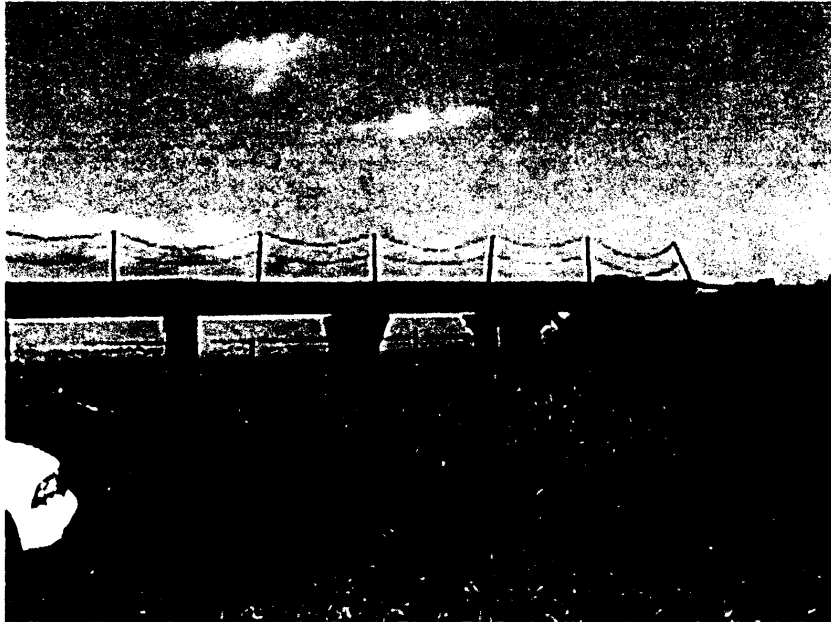
NOAA, National Geodetic Survey, N/NGS12
1315 East-West Highway, Station 09202
Silver Spring, MD 20910

Telephone: (301) 713-3242, Fax: (301) 713-4172
Monday through Friday, 7:00 a.m. - 4:30 p.m., Eastern Time
<http://www.ngs.noaa.gov>



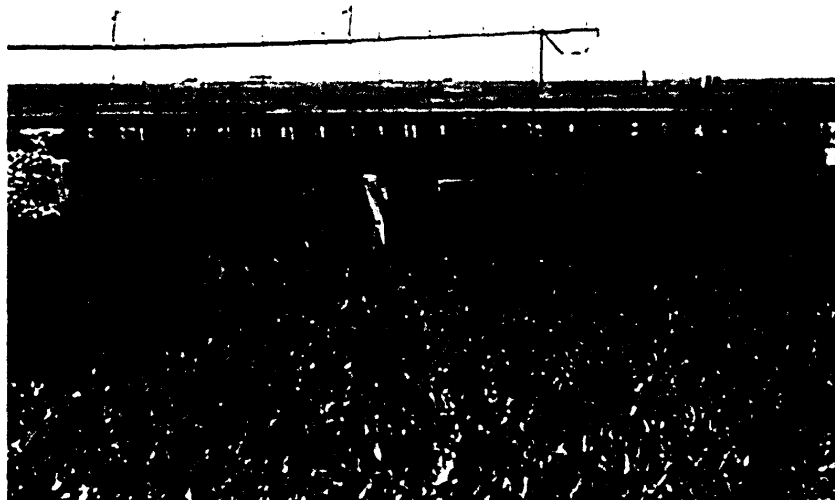
NGS: Tying America Together

Bridge 20.2 ↓



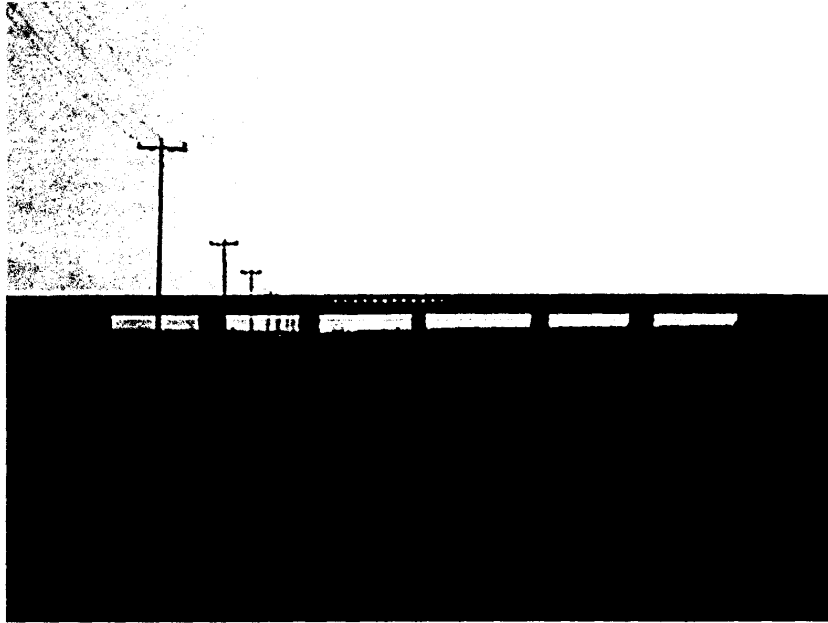
↑ Bridge 21.0

Bridge 22.8 ↓



↑ Bridge 23.3

Bridge 31.6 ↓



↑ Bridge 31.7

Bridge 33.1 ↓



↑ Bridge 37.6

TEXAS NORTH WESTERN RAILWAY COMPANY
CAPPS SPUR BRIDGE STRUCTURES

<u>Name/Milepost</u>	<u>Description</u>	<u>Length</u>
Capps-Morse:		
Bridge 20.2	4-span timber pile trestle	55' 5"
Bridge 21.0	4-span timber pile trestle	55' 4"
Bridge 22.2	4-span timber pile trestle	54' 11"
Bridge 22.8	2-span timber pile trestle	27' 10"
Bridge 23.3	2-span timber pile trestle	29' 0"
Bridge 31.6	6-span timber pile trestle	78' 6"
Morse Jct.-Pringle:		
Bridge 31.7	18-span timber pile trestle	246' 10"
Bridge 33.1	8-span timber pile trestle 1-span deck plate girder	266' 0"
Bridge 37.6	1-span timber pile trestle	15' 0"

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2875

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

October 1, 2004

Ms. Hannah Vaughan
History Reviewer
Texas Historical Commission
P.O. Box 12276
Austin, TX 78711-2276

Re: **Docket No. AB-281 (Sub-No. 1X)**
Texas North Western Railway Company -- Abandonment
Exemption -- In Moore, Hutchinson and Hansford Counties, TX

Dear Ms. Vaughan:

On or about November 10, 2004, Texas North Western Railway Company ("TXNW") expects to file with the Surface Transportation Board a notice of exemption for the abandonment of TXNW's line of railroad, referred to herein as the Capps Spur, extending from milepost 20.0 at Capps, Texas through milepost 29.9 at Morse Junction, Texas to the end of track at milepost 34.0 at Morse, Texas and from milepost 29.9 at Morse Junction to milepost 37.8 at Pringle, Texas, a total distance of approximately 21.9 miles in Moore, Hutchinson and Hansford Counties, Texas. The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved for the previous two years. A map showing the location of the Capps Spur is attached for your reference. After abandonment, rail and other track materials will be removed from the line, while ballast, ties and roadbed will remain in place and not be disturbed.

In accordance with the Board's historic preservation regulations, 49 C.F.R. § 1105.8, we are advising you of the proposed abandonment of the Capps Spur so that you may determine whether this action will have any effect on any historic structures or sites. There are no railroad buildings on the line to be abandoned. There are nine (9) non-descript timber pile trestles on the Capps Spur that TXNW believes are likely 50 years old or older. Information on and photographs of these bridges will be forwarded to you with the Environmental/Historic Report referenced below. TXNW does not believe that any of the bridges are rare in character or of historic significance. Moreover, the bridges will not be removed or disturbed in connection with the proposed abandonment. Thus, abandonment should result in no adverse effect on these structures. TXNW also is unaware of any historic sites involved in the proposed abandonment.

We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-281 (Sub-No. 1X) and be sent to the undersigned, as counsel for TXNW, with a copy to:

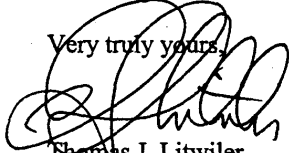
FLETCHER & SIPPEL LLC

Ms. Hannah Vaughan
October 1, 2004
Page 2

Surface Transportation Board
Section of Environmental Analysis
1925 K Street, N.W., Room 504
Washington, DC 20423-0001

In accordance with the Board's regulations, a copy of the Environmental/Historic Report prepared in connection with this abandonment will be forwarded to you at least twenty days before TXNW's notice of exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance on this matter. Kind regards.

Very truly yours,



Thomas J. Litwiler
Attorney for Texas North Western
Railway Company

TJL:tl

Attachment

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2875

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

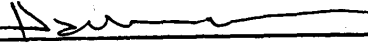
October 1, 2004

NO HISTORIC
PROPERTIES AFFECTED
PROJECT MAY PROCEED

RECEIVED

OCT 05 2004

Ms. Hannah Vaughan
History Reviewer
Texas Historical Commission
P.O. Box 12276
Austin, TX 78711-2276

By 
for F. Lawrence Oaks
State Historic Preservation Officer
Date 10/13/04

TEXAS HISTORICAL COMMISSION

Re: Docket No. AB-281 (Sub-No. 1X)
Texas North Western Railway Company – Abandonment
Exemption – In Moore, Hutchinson and Hansford Counties, TX

Dear Ms. Vaughan:

On or about November 10, 2004, Texas North Western Railway Company ("TXNW") expects to file with the Surface Transportation Board a notice of exemption for the abandonment of TXNW's line of railroad, referred to herein as the Capps Spur, extending from milepost 20.0 at Capps, Texas through milepost 29.9 at Morse Junction, Texas to the end of track at milepost 34.0 at Morse, Texas and from milepost 29.9 at Morse Junction to milepost 37.8 at Pringle, Texas, a total distance of approximately 21.9 miles in Moore, Hutchinson and Hansford Counties, Texas. The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved for the previous two years. A map showing the location of the Capps Spur is attached for your reference. After abandonment, rail and other track materials will be removed from the line, while ballast, ties and roadbed will remain in place and not be disturbed.

In accordance with the Board's historic preservation regulations, 49 C.F.R. § 1105.8, we are advising you of the proposed abandonment of the Capps Spur so that you may determine whether this action will have any effect on any historic structures or sites. There are no railroad buildings on the line to be abandoned. There are nine (9) non-descript timber pile trestles on the Capps Spur that TXNW believes are likely 50 years old or older. Information on and photographs of these bridges will be forwarded to you with the Environmental/Historic Report referenced below. TXNW does not believe that any of the bridges are rare in character or of historic significance. Moreover, the bridges will not be removed or disturbed in connection with the proposed abandonment. Thus, abandonment should result in no adverse effect on these structures. TXNW also is unaware of any historic sites involved in the proposed abandonment.

We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-281 (Sub-No. 1X) and be sent to the undersigned, as counsel for TXNW, with a copy to:

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2875

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

RECEIVED

OCT 21

TEXAS HISTORICAL COMMISSION

Docket No. AB-281 (Sub-No. 1X)
Environmental/Historic Report
Appendix S-2

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

October 25, 2004

Ms. Hannah Vaughan
History Reviewer
Texas Historical Commission
P.O. Box 12276
Austin, TX 78711-2276

Re: **Docket No. AB-281 (Sub-No. 1X)**
Texas North Western Railway Company -- Abandonment
Exemption -- In Moore, Hutchinson and Hansford Counties, TX

Dear Ms. Vaughan:

On or about November 15, 2004, Texas North Western Railway Company ("TXNW") expects to file with the Surface Transportation Board a notice of exemption for the abandonment of TXNW's line of railroad, referred to as the Capps Spur, extending from milepost 20.0 at Capps, Texas through milepost 29.9 at Morse Junction, Texas to the end of track at milepost 34.0 in Morse, Texas and from milepost 29.9 at Morse Junction to the end of track at milepost 37.8 in Pringle, Texas, a total distance of approximately 21.9 miles in Moore, Hutchinson and Hansford Counties, Texas. Your review of and comments on this project were previously requested by letter dated October 1, 2004.

In accordance with 49 C.F.R. §§ 1105.7(b) and 1105.11, we are providing for your information the enclosed Environmental/Historic Report which will accompany the notice of exemption and which describes the proposed action and any expected environmental or historic effects. The Report also includes a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis at the following address:

Surface Transportation Board
Section of Environmental Analysis
1925 K Street, N.W., Room 504
Washington, DC 20423-0001
(202) 565-1538

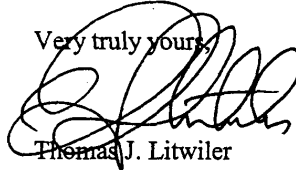
FLETCHER & SIPPEL LLC

Ms. Hannah Vaughan
October 25, 2004
Page 2

Your comments should reference Docket No. AB-281 (Sub-No. 1X) and, if written, should include a copy to the undersigned. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to the Section of Environmental Analysis would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental and historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, you should feel free to contact me directly at 312-252-1508. Thank you for your assistance on this matter. Kind regards.

Very truly yours,



Thomas J. Litwiler
Attorney for Texas North Western
Railway Company

TJL:paj

Enclosure

NO HISTORIC
PROPERTIES AFFECTED
PROJECT MAY PROCEED

By Hannah Vaughan
for F. Lawrence Oaks
State Historic Preservation Officer
Date 11/3/04

CERTIFICATE OF SERVICE

I hereby certify that Texas North Western Railway Company has consulted with all appropriate agencies in preparing the foregoing Environmental/Historic Report and that on October 25, 2004 a copy of the foregoing report was served by first class mail, postage prepaid, upon each of the following agencies as designated in 49 C.F.R. § 1105.7(b):

Mr. James L. Randall
Director, Transportation Planning
and Programming Division
Texas Department of Transportation
125 East 11th Street
Austin, TX 78701-2483

Ms. Denise Francis
State of Texas Single Point of Contact
Governor's Office of Budget and Planning
P.O. Box 12428
Austin, TX 78711

Mr. Randolph G. Wood
Deputy Director, Office of Environmental Policy,
Analysis & Assessment
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Larry D. McKinney, Ph.D
Senior Director, Resource Protection Division
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, TX 78744

Ms. Gwen Spriggs
Coastal Administrative Coordinator
Texas Coastal Management Program
Texas General Land Office
P.O. Box 12873
Austin, TX 78711-2873

Mr. David A. Manning
Chief, Regulatory Branch
U.S. Army Corps of Engineers
Tulsa District
1645 South 101st East Avenue
Tulsa, OK 74128-4609

Mr. H. Dale Hall
Regional Director, Southwest Region 2
U.S. Fish & Wildlife Service
500 Gold Avenue, SW
Albuquerque, NM 87102

Mr. Michael P. Jansky
Office of Planning & Coordination (6EN-XP)
U.S. Environmental Protection Agency
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Mr. Stephen P. Martin
Regional Director, Intermountain Region
National Park Service
12795 Alameda Parkway
Denver, CO 80225

Mr. Richard A. Snay
Chief, Spatial Reference System Division
National Geodetic Survey
1315 East West Highway, N/NGS2
Silver Spring, MD 20910-3282

Larry D. Butler, Ph.D.
State Conservationist
USDA Natural Resources Conservation Service
101 South Main Street
Temple, TX 76501-7602

Honorable Kari Campbell
Moore County Judge
202 County Courthouse
715 South Dumas Avenue
Dumas, TX 79029

Hon. Jack L. Worsham
Hutchinson County Judge
P.O. Box 790
Stinnett, TX 79083-0790

Hon. Benny D. Wilson
Hansford County Judge
P.O. Box 367
Spearman, TX 79081-0367

Mr. Gary Pitner
Executive Director
Panhandle Regional Planning Commission
P.O. Box 9257
Amarillo, TX 79105-9257

Ms. Hannah Vaughan
History Reviewer
Texas Historical Commission
P.O. Box 12276
Austin, TX 78711-2276

A handwritten signature in black ink, appearing to read 'T. Litwiler', is positioned above a horizontal line.

Thomas J. Litwiler

Dated: November 23, 2004

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-281 (SUB-NO. 1X)

TEXAS NORTH WESTERN RAILWAY COMPANY
-- ABANDONMENT EXEMPTION --
IN MOORE, HUTCHINSON AND HANSFORD COUNTIES, TX

**CERTIFICATION OF PUBLICATION
PURSUANT TO
49 C.F.R. § 1105.12**

I, Thomas J. Litwiler, an attorney for Texas North Western Railway Company, hereby certify as follows:

1. I have contacted the following newspapers of general circulation for the counties in which the rail line to be abandoned in this proceeding is located, and arranged for the publication of a Notice of Intent to Abandon, in the form attached hereto, pursuant to 49 C.F.R. § 1105.12:

Moore County	-	<i>The Moore County News Press</i> 702 South Meredith P.O. Box 757 Dumas, TX 79029
Hutchinson County	-	<i>The Borger News-Herald</i> 207 Main Street P.O. Box 5130 Borger, TX 79008
Hansford County	-	<i>Hansford County Reporter-Statesman</i> 213 Main Street Spearman, TX 79081-3082

2. The Notice of Intent to Abandon was published in *The Moore County News Press* on November 11, 2004, in *The Borger News-Herald* on November 9, 2004, and in the *Hansford County Reporter-Statesman* on November 11, 2004.

3. *The Moore County News Press, The Borger News-Herald* and the *Hansford County Reporter-Statesman* are providing proofs of publication for the Notice as published in those papers, and I will forward those proofs of publication to the Board once received.

A handwritten signature in black ink, appearing to read 'T. Litwiler', is positioned above a horizontal line.

Thomas J. Litwiler

Dated: November 23, 2004

**Notice of Intent to Abandon --
Texas North Western Railway Company**

Texas North Western Railway Company (TXNW) gives notice that on or about November 16, 2004, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 C.F.R. 1152 Subpart F - Exempt Abandonments permitting the abandonment of approximately 21.9 of rail line extending from milepost 20.0 at Capps through milepost 29.9 at Morse Junction to the end of track at milepost 34.0 in Morse and from milepost 29.9 at Morse Junction to the end of track at milepost 37.8 in Pringle, traversing United States Postal Service ZIP Codes 79086, 79083 and 79062 in Moore, Hutchinson and Hansford Counties, Texas. The proceeding will be docketed as No. AB-281 (Sub-No. 1X).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-565-1545.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, N.W., Washington, DC 20423 [see 49 C.F.R. 1104.1(a) and 1104.3(a)], and one copy must be served on TXNW's representative [see 49 C.F.R. 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on TXNW's representative at the following address:

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